



TRADE UNION ADVISORY COMMITTEE  
TO THE ORGANISATION FOR ECONOMIC  
COOPERATION AND DEVELOPMENT  
COMMISSION SYNDICALE CONSULTATIVE  
AUPRÈS DE L'ORGANISATION DE COOPÉRATION  
ET DE DÉVELOPPEMENT ÉCONOMIQUES

## **The OECD Guidelines for Multinational Enterprises Recommendations for Responsible Business Conduct in a Global Context**

**TUAC Submission to the OECD Working Group of the Investment Committee  
30 September 2011**

### **1. Introduction**

1. The *Update* has raised expectations regarding the role that the *OECD Guidelines* can play in closing global governance gaps. It has also generated optimism among stakeholders that the completion of the *Update* will mark the beginning of a new era for the *Guidelines* hallmarked by ambition and cooperation. This momentum must not be lost.

2. In its Statement<sup>1</sup> on the adoption of the updated *Guidelines*, TUAC stated that the *Update* had increased the “*relevance of the Guidelines and their potential to raise the standard of responsible business conduct in a global context*”, but that the “*success of the Update now depends on its prompt and full implementation...*” TUAC called on adhering governments to “*...upgrade the structures and procedures of their NCPs*” and for the OECD and Investment Committee to ensure that the organisational structures and resources were commensurate with their enhanced commitments under the new *Guidelines*.

3. TUAC welcomes the proposals made by the Chair of the Working Party of the Investment Committee for the work programme for implementing the new *Guidelines*. TUAC already identified a list of priority actions to be taken by the OECD and adhering countries in its submission to the Annual Meeting of National Contact Points in June 2011. Extracts from that submission not covered in this submission are re-produced in the *ANNEX*. TUAC uses the remainder of this submission to elaborate on selected priorities, respond to points on the Proactive Agenda and provide input to the Third Tier Resource Document. The submission is structured as follows:

- Section 2: Strengthening Functional Equivalence;
- Section 3: Specific Instances;
- Section 4: Proactive Agenda;
- Section 5: Third Tier Resource Document;
- Annex: June 2011 Submission: Checklists.

### **2. Strengthening Functional Equivalence**

4. TUAC recognises that many NCPs are in the process, or have already completed, reviewing their structures and procedures in the light of the *Update*, often in consultation with the social partners and non-governmental organisations (NGOs). However, it is gravely

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<sup>1</sup> <[http://www.tuac.org/en/public/e-docs/00/00/08/E7/document\\_doc.phtml](http://www.tuac.org/en/public/e-docs/00/00/08/E7/document_doc.phtml)>.

concerned that four months after the adoption of the new *Guidelines*, trade unions are still encountering the problem of non-functioning NCPs. This was unacceptable under the old *Guidelines* and must not be tolerated under the new.

5. TUAC notes that the six month ‘cooling off period’, which applies to the implementation of new or revised OECD instruments, ends on the 25 November 2011. The December 2011 meeting of the Investment Committee/Working Party would therefore provide a timely opportunity to take stock of NCPs’ implementation of the new *Guidelines* and to institutionalise good practice procedures to support functional equivalence.

### Reporting

6. Reporting is a key function of NCPs necessary for meeting the core criteria of accountability and transparency. To date, it has also been one of the main ways of monitoring NCPs’ implementation of the *Guidelines* and has represented a key source of peer learning. The reporting framework for NCPs must now be expanded to reflect the new procedures:

- Expand the Common Framework for Reporting in order to reflect the new procedures (see *TABLE 1*).
  - This exercise could be carried out by either the secretariat or by a new Information and Reporting Task Team established by the Working Party to help support peer learning.

**TABLE 1: UPGRADE THE REPORTING FRAMEWORK**

<b>ADDITIONAL QUESTIONS</b>	<b>NEW PROCEDURES</b>
<b>INSTITUTIONAL ARRANGEMENTS</b>	
1. What is the level of resources allocated to the NCP (Euro/staffing)?	<u>Council Decision</u> <u>I. National Contact Points</u>  “Adhering countries shall make available human and financial resources to their National Contact Points so that they can effectively fulfil their responsibilities...”.
2. Describe the structure of the NCP?	<u>Procedural Guidance</u> <u>I. National Contact Points</u> <u>A. Institutional Arrangements</u>
3. What has the NCP done to ensure sufficient breadth of expertise to deal with the broad range of issues covered by the <i>Guidelines</i> ?	1. NCPs will “be composed and organised such that they provide an effective basis for dealing with the broad range of issues covered by the <i>Guidelines</i> and enable the NCP to operate in an <u>impartial manner</u> , while maintaining an adequate level of accountability to the adhering government”.
4. Has the NCP established an advisory body?	<u>Commentary on the Procedural Guidance.</u> <u>Paragraph 11</u>
5. Has the NCP established a review body?	“Regardless of the structure governments have chosen for their NCP, they can also establish multi-stakeholder advisory or oversight bodies to assist NCPs in their tasks”.
6. What steps has the NCP taken to address (perceived or actual) conflicts of interest?	<u>Paragraph 22</u> “ <u>Impartial</u> ; NCPs should ensure impartiality in the resolution of the specific instances. <u>Equitable</u> : NCPs should ensure that parties can engage in the process on fair and equitable terms...”.

ADDITIONAL QUESTIONS	NEW PROCEDURES
<b>INFORMATION, PROMOTION</b>	
7. Does the NCP have a dedicated web site on the <i>Guidelines</i> ?	<u>Procedural Guidance</u> <u>I. National Contact Points</u>
7a. Is the web site in national as well as international language(s)?	<u>B. Information and Promotion</u>
8. Does the NCP make available material on the <i>Guidelines</i> ?	<i>“The National Contact Point will</i> <i>1. Make the Guidelines known and available by appropriate means, including through on-line information, and in national languages. Prospective investors (inward and outward) should be informed about the Guidelines, as appropriate.</i>
8a. Has the NCP translated this material into national and, as appropriate, local languages?	<i>2. Raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other non-governmental organisations, and the interested public.”</i>
9. How does the NCP promote the <i>Guidelines</i> within Government?	<u>Commentary on the Procedural Guidance.</u> <u>Paragraph 16</u>
10. Does the NCP work with social partners and NGOs to promote the <i>Guidelines</i> ?	<i>“NCPs will co-operate with a wide variety of organisations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.”</i>
11. Has the NCP drawn up a promotional plan for the <i>Guidelines</i> ?	
<b>PEER LEARNING</b>	
12. Has the NCP participated in peer learning?	<u>Commentaries to the Procedural Guidance</u> <u>Paragraph 19</u>
13. Has the NCP participated in thematic peer review?	<i>“NCPs will engage in joint peer learning activities. In particular they are encouraged to engage in horizontal, thematic peer reviews and voluntary peer evaluations.”</i>
14. Has the NCP volunteered or participated in country peer evaluation?	
<b>IMPLEMENTATION IN SPECIFIC INSTANCES</b>	
15. Has the NCP published its procedures on the NCP web site?	<b>Indicative timeframes</b> <u>Commentary to the Procedural Guidance</u> <u>Paragraph 15</u>
- National languages? - International languages?	<i>“NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance...”</i>
16. Has the NCP published timeframes in its procedures?	<b>Indicative timeframes</b> <u>Commentary to the Procedural Guidance</u> <u>Paragraph 21</u> Defines ‘good faith’ in the context of the Guideline as <i>inter alia</i> ‘responding in a timely fashion...’. <u>Paragraph 40</u>

ADDITIONAL QUESTIONS	NEW PROCEDURES
	Initial assessment: 3 months; issue of report or statement 3 months; overall timeframe, 12 months.
17. Has the NCP developed a policy for strengthening cooperation between home and host country NCPs?	<p><b>NCP cooperation</b>  <u>Commentary to the Procedural Guidance</u>  <u>Paragraph 23</u>  <i>“the NCP of the host country should consult with the NCP of the home country...”.</i></p>
18. Has the NCP developed a policy on parallel legal proceedings?	<p><b>Parallel proceedings</b>  <u>Commentary to the Procedural Guidance</u>  <u>Paragraph 26</u>  <i>“NCPs should not decide that issues do not merit further consideration solely because parallel proceedings have been conducted, are underway, or are available to the parties concerned...”.</i></p>
19. What range of business relationships has the NCP dealt with in its cases (subsidiaries, suppliers, subcontractors, franchises, financial sector)?	<p><b>Paragraph A.11, Chapter II.</b>  The new <i>Guidelines</i> require enterprises to “[A]void causing or contributing to adverse impacts through their own activities and address such impacts when they occur” (The Commentary clarifies that “... ‘through their own activities’ ‘includes their activities in the supply chain’ and that “the supply chain can take a variety of forms, including, for example,</p>
20. Does the NCP publish initial assessments?	/
21. Does the NCP provide mediation? 21a. Does the NCP provide <u>free</u> access to external professional mediator? Please give details if there is a cost.	<p><u>Procedural Guidance</u>  <u>C. Implementation in Specific Instances</u>  Paragraph 2d)  <i>“Offer, and with the agreement of the parties involved, facilitate access to consensual and non-adversarial means, such as conciliation or mediation, to assist the parties in dealing with the issues. “</i></p>
22. Does the NCP publish its final statements and reports?	<p><u>Commentary to the Procedural Guidance</u>  <u>Paragraph 34</u>  <i>“The NCP, in consultation with the parties, will make publicly available a report with the result of the proceedings.”</i>  <u>Paragraph 35</u>  <i>“The procedure makes it clear that an NCP will issue a statement, even when it feels that a specific recommendation is not called for”</i></p>
23. Does the NCP make an assessment of a company’s observance of the <i>Guidelines</i> ?	<p><u>Procedural Guidance</u>  <u>I. National Contact Points, Introduction</u>  <i>“The role of the National Contact Points (NCPs) is to further the effectiveness of the Guidelines</i></p>
24. Does the NCP include recommendations on implementation of the specific instances procedure?	<p><u>Procedural Guidance</u>  <u>C. Implementation in Specific Instances</u>  Paragraph 3c)  <i>“The NCP will make recommendations on the implementation of the Guidelines as appropriate”</i></p>
25. Does the NCP provide for follow-up on the implementation of the specific instances	<p><u>Commentary to the Procedural Guidance:</u>  <u>Paragraph 37</u>  <i>“[T]he parties may also agree to seek the assistance of the NCP</i></p>

<b>ADDITIONAL QUESTIONS</b>	<b>NEW PROCEDURES</b>
procedure?	<i>in following-up on the implementation of the agreement and the NCP may do so on terms agreed between the parties and the NCP.” (paragraph 34, Commentary on the Procedural Guidance).</i>
<p>26. What steps has the NCP taken to strengthen policy coherence: e.g., identifying and meeting with relevant government departments, including export credit agencies, public procurement departments and pension funds?</p> <p>26a. Does the NCP routinely inform relevant government agencies about their statements and reports?</p>	<p><u>Commentary to the Procedural Guidance:</u> <u>Paragraph 37</u> <i>“In order to foster policy coherence NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specific agency’s policies and programmes.”</i></p>
<p>27. Has the NCP experienced problems of companies refusing to participate in the NCP Process? 27a. What steps has the NCP taken to address this?</p>	<p><u>Procedural Guidance</u> <u>I. National Contact Points</u> <u>Introduction</u> <i>“The role of the National Contact Points (NCPs) is to further the effectiveness of the Guidelines.”</i></p>
<p>28. Has the NCP put in place a policy for protecting the identity of complainants?</p>	<p><b>Protecting complainants</b> <u>Commentary to the Procedural Guidance</u> <u>Paragraph 30</u> The updated <i>Guidelines</i> recognise that there may be a need to <i>“withhold the identity of a party or parties from the enterprise involved”</i>. <u>Paragraph 38</u> <i>‘Equally other information such as the identity of individuals involved in the procedures, should be kept confidential...’</i></p>
<b>REPORTING</b>	
<p>29. What mechanisms does the NCP have in place for reporting at national level, including to national parliaments? 29a. Does the NCP publish its Annual Report to the OECD on the NCP web site? 29b. Does the NCP publish its Annual Report to the OECD in national languages?</p>	<p><u>Commentary to the Procedural Guidance</u> <u>Paragraph 9</u> <i>“Accountability...nationally parliaments could have a role to play. Annual reports and regular meetings of NCPs will provide an opportunity to share experience and encourage “best practices” with respect to NCPs...”</i></p>
<b>PROACTIVE AGENDA</b>	
<p>30. What activities has the NCP undertaken to support the proactive agenda?</p>	<p><u>Commentaries to the Procedural Guidance</u> <u>Paragraph 18</u> <i>“...NCPs should maintain regular contact, including meetings, with social partners and other stakeholders in order to:</i> <i>a) consider new developments and emerging practices concerning responsible business conduct;</i> <i>b) support the positive contributions enterprises can make to economic, social and environmental progress;</i> <i>c) participate... in collaborative initiatives to identify and respond to risks of adverse impacts...”</i></p>

7. The quality of reporting by NCPs is also vital for important for maintaining adequate levels of accountability and transparency. It is essential that the information provided is accurate and complete. Examination of the annual reports, however, reveals varying standards of reporting with some NCPs providing detailed and comprehensive information, whereas for others the information appears to out-of-date, incomplete or requiring further explanation (see *BOX 1*). TUAC is not clear what system there is in place for follow-up to ensure overall quality.

- Create a mechanism for improving the overall quality of reporting:
  - o A quality control function could be assigned to the secretariat or to a new Information and Reporting Task Team. Quality could also be addressed by institutionalising a 'Tour de Table' as part of the regular meetings (see below).

### ***BOX 1: INCOMPLETE REPORTING***

**Korea:** In the 2011 Annual Report,<sup>2</sup> Korea reports that it has received a total of 6 cases, whereas TUAC has in its records a total of 15 cases<sup>3</sup>.

**Turkey:** In the 2011 Annual Report, Turkey provides details of 1 case submitted in 2008, which it reports as being 'under initial assessment', without giving any explanation of why the initial assessment is taking 3 years. In fact TUAC has information on 3 cases that trade unions have submitted to the Turkish NCP. The most recent was submitted in 2011, to which there has been no response. The first case was submitted in 2006 and rejected on the grounds of parallel proceedings.

### Peer Review and Peer Learning

8. TUAC strongly welcomes the commitments made under the new *Guidelines* for NCPs to engage in joint peer learning activities, including horizontal thematic peer reviews and voluntary peer evaluations. It also welcomes the ideas set out by the Chair and supports the proposal to focus on mediation as a theme for peer learning and to provide capacity-building and training for new NCPs. However, given time and resource constraints, TUAC considers it essential that in addition to identifying new mechanisms, the Working Party finds ways to embed peer learning and capacity-building in existing mechanisms. Hence TUAC is calling on the OECD to use a mix of new and existing, formal and informal, regular and irregular processes:

- Institutionalise the 'Tour de table': TUAC considers that the Working Party should follow the example of the OECD Anti-bribery Convention and use the 'Tour de Table' as an informal monitoring process in its regular meetings. The 'Tour de Table' constitutes each government in turn informing all the other governments about country developments and country cases. After each intervention, other participants are able to ask questions/for clarifications:
  - o Institutionalise the 'Tour de Table' in regular meetings and develop criteria for identifying priority cases to be discussed; for example:
    - multi-jurisdictional cases: which require cooperation between NCPs;

<sup>2</sup> Annual Meeting of the National Contact Points for the OECD Guidelines for Multinational Enterprises; Report by the Chair of the 11<sup>th</sup> Annual Meeting of the National Contact Point, 20 September 2011.

<sup>3</sup> TUAC's list of trade union cases submitted under the *Guidelines* is available at: <http://www.tuacoeedmneguidelines.org/NCP.asp?organisationid=22739>

- cases that exceed the time limits: all cases which have exceeded the indicative time limits where the problems are *not* being resolved;
  - key issues: where an NCP is facing a specific issue which is likely to either be of common interest because it is new or emerging, or where other NCPs might have the experience to help solve the problem.
  
- Use the OECD Investment Policy Reviews: the Chair proposes that governments consider providing training and capacity-building to new and prospective NCPs. TUAC considers that the OECD Investment Policy Reviews provide an ideal existing vehicle through which to provide capacity-building to prospective NCPs. The OECD prepares a detailed assessment of each country's investment policies in preparation for the peer examination to which it is subject prior to adhering to the OECD Declaration on Investment and Multinational Enterprises. This is an in-depth and resource-intensive process, involving country visits, which results in a published report. Whilst the reviews include a chapter on 'Responsible Business Conduct', the focus is on the country's legal framework with regard to human rights including labour rights, environment and in some cases disclosure. Currently the reviews do not address the country's future implementation of the Guidelines. But clearly they could and – TUAC believes – they should. Incorporating the *Guidelines* into the pre-peer review process of the Investment Policy Reviews would raise the profile of the *Guidelines* in the newly adhering country, build momentum around their implementation, help move Responsible Business Conduct to its proper place, at the heart of investment policy, and increase policy coherence.
  - Incorporate capacity building of prospective NCPs on the Guidelines into all future Investment Policy Reviews. From here-on, the template for the Investment Policy Reviews should incorporate questions addressed to the prospective adhering government on: responsibilities under the *Guidelines*, location, structure, resources, staffing, training, capacity building, promotion and engagement with social partners and NGOs. The findings should be reported in a dedicated chapter of the published Investment Policy Review.
    - Representatives of peer NCPs should participate in the country visits in order to share their experience and discuss available options on organisation/structure etc.
  
- Fund a roster of mediators for training, capacity-building and assist in specific instances: TUAC strongly welcomes the initiative of the Netherlands, Norway and the UK to support financially the preparation of a manual on mediation. The *Update* revealed a strong consensus among NCPs regarding the value of mediation to resolving issues raised under the *Guidelines*. It is essential that the appropriate tools are developed to support NCPs in discharging this function. TUAC notes, however, that at least one NCP (the US) plans to charge parties to the complaint for the cost of professional mediation. TUAC finds this potentially problematic in terms of complying with the core principles of accessibility and equitability. Unless the same quality of mediation is provided in-house by the NCP (this may be the case – TUAC is not in a position to judge) then the best quality mediation will only be available to those who can pay. TUAC considers that this points to a need for a central roster of mediators that is centrally funded, which can be drawn on, not only for training and capacity-building, but also to provide mediation in the specific instance procedure;
  - Create a fund to support a roster of mediation experts who would provide training and capacity-building to NCPs but also act as mediators on behalf of

NCPs in specific instances, where the NCP does not have the resources to pay for professional mediation or does not have the capacity to deliver the same quality of mediation as an external professional. The fact that these mediators participate in NCP mediations will in turn strengthen their own capacity as trainers.

- Fund and sign up for voluntary country peer evaluation: The OECD is the pioneer of peer review, a tried and tested monitoring method that helps ensure compliance and supports functional equivalence. TUAC applauds Japan for being the first country to sign up for country peer evaluation under the new *Guidelines*, and Norway for being the second.
  - o TUAC urges other governments to sign up for country peer evaluation.
    - It also calls on the Chair to publish the list of governments that have signed up so that at national level trade unions and NGOs can be informed and take action regarding the position of their governments.
  
- Capacity-building for new NCPs: TUAC supports the proposal for training and capacity building to be provided to newly established NCPs. This could be provided through a combination of inputs from: the secretariat; peers (well-functioning NCPs); and experts (from the mediation roster, for example). However, TUAC also considers, in line with commitments on peer learning, that capacity-building should also be made available to long-established NCPs that are not functioning to the standard expected. These could be identified through the informal *Tour de Table* process discussed above.

### 3. Specific Instances: Unblocking Old Cases

9. The most recent 2011 Annual Report shows that there are number of cases that remain unresolved, blocked or suspended, after many years: 9 cases have been open for over 5 years and 2 cases for 8 years. The *Update* recognised the crucial importance of dealing with cases in a timely manner and introduced indicative timescales. It also incorporated new guidance on parallel proceedings, the reason cited for a number of the cases being blocked. The existence of so many cases ‘on the books’ and, apparently, inactive for many years significantly undermines the reputation of the *Guidelines*, irreparably damages the confidence of the concerned workers and communities in using the *Guidelines* and leaves a gaping hole global governance. Such cases should be a priority for discussion at the December 2011 meeting (e.g., using the *Tour de Table*) with a view to either re-opening and attempting to resolve the cases, drawing where appropriate on the provisions of the new *Guidelines*, and depending on whether there is still any perceived benefit by the complainants in doing so, or otherwise closing the cases and informing the parties:

- o Clear the backlog of old cases: These cases should be reviewed under the new *Guidelines* at the December 2011 meeting with a view to resolving them if there is still benefit in doing so for the parties, or otherwise closing the case.



**TABLE 2: 'OLD' CASES**

<b>NCP</b>	<b>ISSUE/COMPANY</b>	<b>COUNTRY</b>	<b>NCP COMMENT</b>	<b>DATE</b>	<b>YEARS</b>
Japan	Industrial relations	Malaysia	Parallel proceedings	Mar-03	8
France	Environment, informing employees	France	Currently being considered	Feb-03	8
Japan	Industrial relations	Philippines	Parallel proceedings	Mar-04	7
Japan	Industrial relations	Indonesia	Parallel proceedings	May-05	6
Brazil	Construction of dam	Brazil	Negotiations in deadlock	2004	6
Belgium	Cogecom	DRC		Nov-04	6
Belgium	Belgolaise	DRC		Nov-04	6
US	Employment and industrial relations		Inactive	Aug-06	5
Japan	Industrial relations	Japan	Parallel proceeding	May-06	5
Brazil	Refusal to negotiate with union	Brazil		Mar-07	4
Brazil	Dismissal of trade union representative	Paraguay		Apr-07	4
Brazil	Dismissed workers	Brazil		Mar-07	4
Brazil	Lack of negotiations	Brazil		Jul-07	4
Brazil	Refusal to negotiate	Brazil		Apr-07	4
Argentina	Dutch MNE	Argentina	Parallel proceedings	28-May-08	3
Turkey	Dutch /UK MNE	Turkey	Initial assessment	Nov-08	2
Peru	Mining workers' rights	Peru	Parallel proceedings	Mar-09	2
Norway	Environment and mining	No information	Contact with parties	Jan-09	2
Germany	Eviction of local population	Uganda	Parallel proceedings	Jun-09	2
Brazil	Prevent union leaders at bank	Brazil		Sep-09	2
Brazil	Induction of workers during strike	Brazil		Sep-09	2

#### **4. Proactive Agenda**

10. TUAC recognises the potentially valuable role to be played by the Proactive Agenda. At national level, for example, NCPs could convene meetings of trade unions and companies to discuss adverse impacts on workers arising in a particular sector or geographical area. And at the OECD, the note by the Chair has already identified a number of useful ways in which the Proactive Agenda could be used to strengthen the implementation of the *Guidelines*.

11. TUAC welcomes the Proactive Agenda as an additional focus, but not as a change of focus; it should not divert attention away from the major and urgent task of tackling non-functioning NCPs and improving functional equivalence. Moreover, TUAC notes that the Chair states that the Proactive Agenda needs to be demand driven with “sufficiently broadly shared stakeholder interests” in order to justify the resources required to carry out the work. TUAC welcomes the opportunity to contribute to the Proactive Agenda. However, it considers that the Proactive Agenda should be primarily needs driven; the extent to which the interests of stakeholders are “shared” is an important consideration, but should not be the overriding one.

- There may be significant or severe adverse impacts caused or contributed to by enterprises on matters covered by the *Guidelines* in particular sectors or geographical areas where interest on the part of the stakeholders is not “sufficiently” or “broadly” shared. However, governments nonetheless have a responsibility to implement the *Guidelines* and should use their authority and leverage to involve the necessary parties. The Chair cites the example of the OECD’s work ongoing work on the implementation of the *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict Affected and High Risk Areas* as being able to be “regarded as the first example of how a demand driven proactive agenda can be implemented”. It is TUAC’s understanding, however, that this project at its origin was driven by governments; specifically the call made at the 2009 L’Aquila G8 Summit for the OECD to cooperate with the International Conference on the Great Lakes Region (ICGLR)<sup>4</sup> and before that the action of the UN.

12. TUAC already outlined its priorities for the Proactive Agenda in its June 2011 submission (see *ANNEX*). It supports:

- Due diligence and supply chains: TUAC considers that there is an urgent need to develop a better understanding of human rights and other due diligence as it applies to the *Guidelines* now, as well as its relevance and application to the ‘carved out’ chapters of tax, competition and science and technology. It notes that the UN Office of the High Commissioner for Human Rights is soon to publish an interpretive guide on the UN Guiding Principles, which would clearly be an excellent basis for any work programme in this area. Also the OECD itself is engaged in developing sector specific guidance on due diligence and supply chains in the context of weak governance zones, which is highly relevant. TUAC considers that any work should be coordinated with this other stream of OECD work.
- Decent wages: TUAC would strongly support work the proposal to develop guidance working with the ILO on the meaning of the new provision 4b) of the Chapter on Employment and Industrial Relations, so as to give guidance to companies and NCPs.

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<sup>4</sup> “In addition, we encourage all firms operating in the extractive sector and in weak governance zones to adopt international corporate social responsibility guidelines, such as the OECD Guidelines on Multinational Enterprises. In this respect, and with reference to the Great Lakes Region, we welcome the efforts of the International Conference on the Great Lakes Region to tackle illegal exploitation of natural resources and encourage the OECD, the United Nations and the Global Compact to work with the Conference and engage with key stakeholders to further develop practical guidance for business operating in countries with weak governance.”; << [http://www.g8italia2009.it/static/G8\\_Allegato/G8\\_Declaration\\_08\\_07\\_09\\_final%2c0.pdf](http://www.g8italia2009.it/static/G8_Allegato/G8_Declaration_08_07_09_final%2c0.pdf)>>.

- **Financial sector:** understanding the application of the *Guidelines* to the financial sector. TUAC would be able to draw on expertise in-house and from the Committee for Workers Capital.<sup>5</sup>

#### 4. Third Tier Resource Document

13. TUAC considers the Third Tier Resource Document to be an integral part of the *Guidelines* ‘package’ and has provided a list of references for inclusion (see *TABLE 2*). It identifies for each whether the reference is already referred to in the existing text or was referred to in the 2000 text.

**TABLE 2: RESOURCE DOCUMENT**

KEY STANDARDS	RELEVANT CHAPTERS	2011 TEXT	2000 TEXT
Universal Declaration of Human Rights (1948)	I. Concepts and General Principles IV Human Rights Chapter V Employment and Industrial Relations	✓	✓
International Covenant on Civil and Political Rights	I Concepts and General Principles IV. Human Rights Chapter V. Employment and Industrial Relations	✓	✓
International Covenant on Economic, Social and Cultural Rights	I. Concepts and General Principles IV. Chapter Human Rights Chapter V Employment and Industrial Relations	✓	✓
OECD Guidelines on Corporate Governance of State-owned Enterprises (2005)	II General Policies	✓	✓
Equator Principles	II General Policies III Disclosure	✗	✗
UN Principles of Responsible Investment (2005)	II General Policies III Disclosure	✗	✗
G3 Sustainability Reporting Guidelines (2006) of the Global Reporting Initiative	III Disclosure	✓	✗
OECD/ IOPS Good Practices for Pension Funds’ Risk Management Systems (2011)	III Disclosure	✗	✗
FSB Principles for Sound Compensation Practices (2009) and their Implementation Standards (2009)	II General Policies III Disclosure	✗	✗
OECD Principles of Corporate Governance (2004)	II General Policies III Disclosure	✓	✓
Extractive Industries Transparency	III Disclosure	✗	✗

<sup>5</sup> <<http://www.workerscapital.org/>>.

KEY STANDARDS	RELEVANT CHAPTERS	2011 TEXT	2000 TEXT
Initiative (EITI)			
International Convention on the Elimination of all Forms of Racial Discrimination (1965)	IV Human Rights V Employment and Industrial Relations		
UN “Protect Respect and Remedy: A Framework for Business and Human Rights	IV Human Rights V Employment and Industrial Relations	✓	✗
United Nations Guiding Principles on Business and Human Rights	IV Human Rights V Employment and Industrial Relations	✓	✗
United Nations Declaration on the Rights of Indigenous Peoples	IV Human Rights	Rights of indigenous persons referred to in text	✗
UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities	IV Human Rights V Employment and Industrial Relations	Rights of minorities referred to in text	✗
UN Convention on the Rights of the Child	IV Human Rights V Employment and Industrial Relations	Rights of children referred to in text	✗
The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979	IV Human Rights V Employment and Industrial Relations	✓ <i>Rights of women is referred to in text</i>	✗
The Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment 1984	IV Human Rights		
Convention on the Rights of Persons with Disabilities	IV Human Rights V Employment and Industrial Relations	✓ <i>Rights of persons with disabilities referred to in text</i>	✗
UN Convention on the Rights of the Child (1989)	IV Human Rights V Employment and Industrial Relations Rights of children referred to in the text.		
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	IV Human Rights V Employment and Industrial Relations	✓ <i>Rights of migrants</i>	✗

KEY STANDARDS	RELEVANT CHAPTERS	2011 TEXT	2000 TEXT
		<i>workers and their families is referred to in the text.</i>	
International Convention on the Protection of All Persons from Enforced Disappearances 2006	IV Human Rights V Employment and Industrial Relations		
OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones	IV Human Rights	<b>X</b>	<b>X</b>
ILO Declaration on Fundamental Principles and Rights at Work (1998)	IV Human Rights V Employment and Industrial Relations	✓	✓
ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy	IV Human Rights V Employment and Industrial Relations	✓	✓
IFC Policy and Performance Environmental and Social Standards (2006)	IV Human Rights V. Employment and Industrial Relations VI. Environment	<b>X</b>	<b>X</b>
ILO Convention 29 (1930)	V Employment and Industrial Relations	✓	✓
ILO Recommendation 94 (1952)	V Employment and Industrial Relations	✓	✓
ILO Convention 105 (1957)	V Employment and Industrial Relations	✓	✓
ILO Convention 111 (1958)	V Employment and Industrial Relations	✓	✓
ILO Convention 138	V Employment and Industrial Relations	✓	✓
ILO Recommendation 146	V Employment and Industrial Relations	✓	✓
ILO Recommendation 155	V Employment and Industrial Relations	<b>X</b>	<b>X</b>
<a href="#">ILO Digest of decisions of the Committee on Freedom of Association</a> -	IV Human Rights V Employment and Industrial Relations	<b>X</b>	<b>X</b>
Employment (Disabled Persons) Convention 159 (1963)	IV Human Rights V Employment and Industrial Relations	✓	✓
The Older Workers Recommendation 162 (1980)	V Employment and Industrial Relations	✓	✓
ILO Convention 182	V Employment and Industrial Relations	✓	<b>X</b>
ILO Maternity Protection Convention 183 (2000)	V Employment and Industrial Relations	✓	<b>X</b>
ILO HIV and AIDS at Work Recommendation 200 (2010)	V Employment and Industrial Relations	✓	<b>X</b>
ILO Recommendation No.194 (2002)	V Employment and Industrial Relations	✓	X

<b>KEY STANDARDS</b>	<b>RELEVANT CHAPTERS</b>	<b>2011 TEXT</b>	<b>2000 TEXT</b>
ILO Human Resources Development Recommendation 195 (2004)	V Employment and Industrial Relations	✓	✗
R198 Employment Relationship Recommendation, 2006	V Employment and Industrial Relations	✓	✗
ILO Declaration on Social Justice for a Fair Globalization (2008)	IV Human Rights V Employment and Industrial Relations	✗	✗
ILO Labour Inspection Convention, 1947	V Employment and Industrial Relations	✗	✗
ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129)	V Employment and Industrial Relations	✗	✗
Aarhus Convention on Access to information, Public Participation in Decision-making and Access to Justice in Environmental Matters	VI Environment	✓	✓
Copenhagen Declaration for Social Development	Preface	✗	✓
The Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1999)	VII Bribery, Bribe Solicitation and Extortion	✓	✓
2009 Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions (26 November 2009).	VII Bribery, Bribe Solicitation and Extortion	✓	✓ (2006)
2006 OECD Council Recommendation on Bribery and Officially Supported Export Credits	VII Bribery, Bribe Solicitation and Extortion	✓	✗
2009 Recommendation on Tax Measures for Further Combating Bribery of Foreign Officials in International Business Transactions	VII Bribery, Bribe Solicitation and Extortion XI. Taxation	✓	✓
Annex I: Good Practice Guidance on Implementing Specific Articles of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions	VII Bribery, Bribe Solicitation and Extortion	✓	✗
United Nations Convention against Corruption (2003)	VII Bribery, Bribe Solicitation and Extortion	✓	✗
OECD Council Recommendation on Consumer Dispute Resolution and Redress.	VIII Consumer Interests	✓	✗
1998 Recommendation of the OECD Council Concerning Effective Action Against Hard Core Cartels (C98)35/Final	X. Competition	✓	✓

<b>KEY STANDARDS</b>	<b>RELEVANT CHAPTERS</b>	<b>2011 TEXT</b>	<b>2000 TEXT</b>
Recommendation of the Council Concerning Cooperation between Member Countries on Anti-competitive Practices Affecting International Trade, C(95)130/Final	X. Competition	✓	✓
Recommendation of the Council on Merger Review. C(2005)/34	X. Competition	✓	✗
OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations (2009 edition)	XI. Taxation	✓	✓ (ref to ongoing work)
OECD Recommendation on the Determination of Transfer Pricing between Associated Enterprises	XI. Taxation	✓	✓
International Organization for Standardization, ISO 26000 : 2010, Guidance on Social Responsibility	II General Policies		
Initiative on company payments to governments of host countries:	III Disclosure		
OECD Guidelines for Pension Fund Governance (2009) on Core Principles of Occupational Pension Regulation and related OECD Recommendation [C(2009)57]	III Disclosure		
Joint work of the OECD Committee on Fiscal Affairs and Development Assistance Committee informed by the outputs from the Informal Task Force on Tax and Development; and	III Disclosure		
Rio Declaration on Environment and Development and Agenda 21	VI Environment	✓	✓
United Nations Framework Convention on Climate Change	VI Environment		
OECD Good Practice Guidance on Internal Controls, Ethics and Compliance and related OECD Recommendation [C(2009)159/REV1/FINAL]	VII Bribery, Bribe Solicitation and Extortion	✓	
OECD Recommendation on Principles and Good Practices for Financial Education and Awareness [C(2005)55/REV1]	VIII Consumer Interests		
OECD Guidelines Governing the Protection of Privacy and Trans-border Flows of Personal Data (1980) and related OECD Recommendation	VIII Consumer Interests	✓	
OECD Anti-Spam Toolkit of Recommended Policies and Measures (2006)	VIII Consumer Interests		
OECD Guidelines for Consumer Protection in the Context of Electronic Commerce (1999) and related OECD Recommendation	VIII Consumer Interests		✓

<b>KEY STANDARDS</b>	<b>RELEVANT CHAPTERS</b>	<b>2011 TEXT</b>	<b>2000 TEXT</b>
United Nations Guidelines on Consumer Policy (1999)	VIII Consumer Interests	✓	
OECD Model Tax Convention on Income and on Capital	XI. Taxation	✓	
United Nations Model Double Taxation Convention between Developed and Developing Countries	XI. Taxation	✓	



**ANNEX 1: EXTRACTS FROM TUAC JUNE 2010 SUBMISSION**

***NEXT STEPS FOR THE INVESTMENT COMMITTEE AND OECD SECRETARIAT***

<b><i>STEPS</i></b>	<b><i>DESCRIPTION</i></b>	<b><i>REFERENCES</i></b>
<b>1. REINTRODUCE NUMBERING OF THE PARAGRAPHS IN THE COMMENTARIES</b>	The Commentaries in the public version of the Updated <i>Guidelines</i> , <u>do not include paragraph numbers.</u> TUAC is already working with trade union partners on the updated <i>Guidelines</i> and has found it extremely difficult to work with the Commentaries due to the lack of numbering. The Commentaries to the Procedural Guidance, which are very long and contain the majority of the improvements made under the Update, are particularly problematic. <u>TUAC strongly welcomes the new format such that the Commentaries following their respective Chapter, but considers it highly problematic that the Commentaries no longer have paragraph numbers.</u>	The paragraphs of the Commentaries of the <u>2000</u> version of the <i>Guidelines</i> were numbered as were the paragraphs in the document that was submitted for adoption to the <u>Council in May 2011.</u>
<b>2. PROVIDE ADEQUATE RESOURCES TO THE OECD SECRETARIAT</b>	The updated <i>Guidelines</i> significantly strengthen the role of the OECD Secretariat including: developing and maintaining a database of cases, facilitating peer learning/peer reviews, capacity-building, training and promoting the <i>Guidelines</i> . The level of resources assigned to the OECD Secretariat must be raised significantly – and quickly – if the secretariat is to have the capacity and the skills to discharge these responsibilities adequately.	<u>Procedural Guidance II Investment Committee</u> “5. .. <i>The Committee will be assisted by the OECD secretariat...</i> <i>b) make available relevant information on recent trends and emerging practices... maintenance of an up-to-date database on specific instances</i> <i>c) facilitate peer learning, including voluntary peer evaluations, as well as capacity-building....”.</i>
<b>3. REVIEW THE STRUCTURES OF THE INVESTMENT COMMITTEE</b>	The updated <i>Guidelines</i> also significantly strengthen the role of the Investment Committee. TUAC considers that the Investment Committee should review its structures in light of these new commitments and assess whether there is a need to establish an <u>Investment Committee Working Group that is dedicated to the <i>Guidelines</i>.</u>	<u>Council Decision I. National Contact Points</u>  3. “ <i>The Council Decision now states that National Contact Points shall meet regularly to share experiences and report to the Investment Committee</i> ”
<b>4. UPGRADE CONSULTATION PROCESSES WITH BIAC, TUAC AND OECD</b>	Enhance consultation processes with TUAC, BIAC and OECD Watch and specifically put in place structures to ensure their	

<i>STEPS</i>	<i>DESCRIPTION</i>	<i>REFERENCES</i>
<b>WATCH</b>	participation in peer learning, including peer reviews, and the proactive agenda. The participation of the stakeholders in the Advisory Group to the Chair for the Update has been hailed as a precedent and a success. TUAC urges the Investment Committee to build on this experience.	
<b>5. ESTABLISH CONSULTATIVE STRUCTURES FOR COMPILING THE RESOURCE DOCUMENT</b>	The Chair's Report on the Update of the <i>Guidelines</i> <sup>6</sup> identified the need for further work in a number of areas, including the development of a resource document that would compile all relevant 'references' (instruments) and initiatives. The Investment Committee should draw up a time-bound plan for completing this work during 2011-2012 that includes the <u>full participation of TUAC, BIAC and OECD Watch</u> and provides for <u>meaningful public consultation</u> .	<u>Chair's Report:</u>  <i>"..as part of the follow-up on the updated Guidelines, a resource document be compiled bringing together descriptions and links to all these references and initiatives...."</i>
<b>6. IDENTIFY ISSUES FOR PEER LEARNING</b>	The Investment Committee should identify issues for peer learning to be addressed over 2011-2012. TUAC suggests the following:  - <i>Specific instances:</i> the Investment Committee should follow the practice of the OECD Anti-bribery Working Group and carry out a <u>tour de table</u> of cases with a view to sharing experience of handling specific instances;  <i>Refusal to participate in the NCP process:</i> TUAC is concerned about recent cases of companies refusing to participate in the NCP process. This is a serious problem, especially in view of the priority given to mediation in the updated Guidelines. NCPs should share their experiences on such cases with a view to identifying strategies for strengthening the authority of the NCP.	<u>Procedural Guidance</u> <u>II Investment Committee</u> <i>"5. .. The Committee will be assisted by the OECD secretariat... c) facilitate peer learning... "</i>
<b>7. DRAW UP A PROGRAMME OF PEER</b>	Draw up a programme of peer review starting with 3 countries per	

<sup>6</sup> Report of the Chair of the Working Party of the Investment Committee on the Update of the Guidelines for Multinational Enterprises.

<i>STEPS</i>	<i>DESCRIPTION</i>	<i>REFERENCES</i>
<b>REVIEW</b>	year, rising in the medium term to 5 per year. Ensure that the approach, drawing on OECD best practice, is transparent and participatory, concludes with the publication of country reports and provides for follow-up. Also identify thematic issues for horizontal reviews.	
<b>8. IDENTIFY PRIORITIES FOR THE OECD SECRETARAT</b>	The updated Guidelines significantly strengthen the role of the OECD Secretariat with regard to outreach, information collation and analysis information, peer learning, capacity-building, peer review and promotion. The Investment Committee should draw up a time-bound plan setting out priorities that includes the contributions of the stakeholders TUAC, BIAC and OECD Watch.	<u>Procedural Guidance II Investment Committee</u> “5. .. <i>The Committee will be assisted by the OECD secretariat... b) make available relevant information on recent trends and emerging practices... maintenance of an up-to-date database on specific instances c) facilitate peer learning, including voluntary peer evaluations, as well as capacity-building....</i> ”.
<b>9. STRENGTHEN POLICY COHERENCE AT THE OECD</b>	TUAC considers that there has been insufficient promotion of the <i>Guidelines</i> either within or by other relevant OECD departments over the past decade. It calls on the OECD to provide for internal policy coherence and ensure that other policies and programmes related to the issues covered by the <i>Guidelines</i> , trade, investment or development promote the <i>Guidelines</i> .	In line with OECD and G20 policy commitments on responsible investment.
<b>10 IMPLEMENT THE PROACTIVE AGENDA</b>	The Chair’s Report for the Update identifies a number of issues for follow-up that TUAC considers should be treated as priorities for the proactive agenda:  - <i>Decent wages</i> : work should be carried out by the OECD and the ILO involving TUAC, BIAC and OECD Watch to give guidance on the meaning of the new provision 4b) of the Chapter on Employment and Industrial Relations, so as to give guidance to companies and NCPs.  - <i>Supply chains and due diligence</i> : developing better understanding of human rights and other due diligence as it applies now and its	The Council Decision of the Council provides that “ <i>the Committee shall, in co-operation with National Contact Points pursue a proactive agenda that promotes the effective observance by enterprises of the principles and standards contained in the Guidelines</i> ” and that it should collaborate <i>inter alia</i> with TUAC, BIAC and OECD Watch “ <i>in order to encourage the positive contributions that multinational enterprises can make in the context of the Guidelines to economic, environmental and social progress with a view to achieving sustainable development</i> ”.  <u>Employment and Industrial</u>

<i>STEPS</i>	<i>DESCRIPTION</i>	<i>REFERENCES</i>
	<p>relevance and application to the ‘carved out’ chapters of tax, competition and science and technology.</p> <p>- <i>Financial sector</i>: understanding the application of the <i>Guidelines</i> to the financial sector</p>	<p><u>Relations</u></p> <p><u>Paragraph 4b</u></p> <p>“...provide the best possible wages, benefits and conditions of work... at least adequate to satisfy the basic needs of the workers and their families.”</p> <p><u>Chair’s Report on the Update</u></p> <p>Decent wages: “in interpreting this recommendation, the ILO context and developed practices regarding this provision should be taken into account.”</p>

### ***NEXT STEPS FOR ADHERING GOVERNMENTS<sup>7</sup>***

<i>STEPS</i>	<i>DESCRIPTION</i>
<b>1. PROVIDE ADEQUATE RESOURCES</b>	Adhering governments must ensure that the resources of the NCP are adequate for undertaking the enhanced functions under the updated <i>Guidelines</i> , including mediation, capacity-building and participating in peer learning.
<b>2. TRANSLATE THE UPDATED GUIDELINES</b>	NCPs should translate the updated <i>Guidelines</i> and their Commentaries into all national and, as appropriate, local languages in the coming weeks, in line with the Procedural Guidance and the core criteria of accessibility.
<b>3. SET UP AN ADVISORY, OVERSIGHT OR REVIEW BODY</b>	NCPs should establish an advisory, oversight or review body in line with the recommendation made in the Commentary to the Procedural Guidance and in accordance with NCP best practice, thereby helping to ensure <u>impartiality</u> , <u>predictability</u> and <u>equitability</u> in the handling of specific instances.
<b>4. CONDUCT A REVIEW OF NCP STRUCTURES</b>	<p>In addition to creating an advisory or oversight body, NCPs should review and revise their structure so as to provide an effective basis for implementing the <i>Guidelines</i>, assure impartiality and to be consistent with the other core criteria and the guiding principles for the handling of specific instances. They should pay particular attention to identifying, disclosing and removing conflicts of interest in line with the requirement to be impartial.</p> <p><u>This review of NCP structure should be undertaken collaboratively with the social partners and other non-governmental organisations.</u></p>
<b>5. CONDUCT A REVIEW OF NCP PROCEDURES</b>	NCPS should conduct a review to ensure that their procedures are, at a minimum, consistent with the standards set in the updated <i>Guidelines</i> , including the following: introduce indicative <u>timeframes</u> ; strengthen <u>cooperation</u> between home and host country NCPs; develop best practice guidance on <u>parallel proceedings</u> in line with the updated text, using the

<sup>7</sup> TABLES 1 and 2 use the paragraph numbering for the Commentaries given in the version of the Commentaries that was submitted for approval to the Council in May 2011. The Commentaries of the public version of the updated Guidelines, whilst usefully following the relevant Chapter, do not contain paragraph numbers. TUAC has started working with the new text and find this highly problematic.

<i>STEPS</i>	<i>DESCRIPTION</i>
	<p>UK procedures as a model; <u>protect the identity of the complainant.</u></p> <p><u>This review of NCP procedures should be undertaken collaboratively with the social partners and other non-governmental organisations.</u></p>
<b>6. PUBLISH NCP PROCEDURES</b>	<p>Publish procedures on the NCP web site in local, <u>national and international languages</u> in line with the core criteria of <u>accessibility</u>. It is not sufficient to publish procedures in national languages, as this would limit the <u>accessibility</u> of the NCP to those able to work in national languages.</p>
<b>7. STRENGTHEN POLICY COHERENCE</b>	<p>Identify and meet with relevant government departments, including export credit agencies, public procurement departments and pension funds, in order to identify procedures for strengthening policy coherence. NCPs should focus in particular on the steps to be taken where an NCP issues a statement in the event of: i) no agreement being reached; ii) a party refusing to come to the table; iii) providing recommendations on the future implementation of the <i>Guidelines</i>; iv) a finding that a company has breached the <i>Guidelines</i>.</p> <p>The Export Credit Group (ECG) at the OECD is currently undertaking a revision of its Recommendation on ‘Common Approaches’ that aims to improve the environmental, social and governance standards of export credit agencies (ECAs). This revision is due to be completed in November 2011. It would therefore be timely if NCPs could meet with their respective ECAs to discuss how procedural and substantive elements of the updated <i>Guidelines</i> text should be reflected in the national procedures of ECAs, as well as the revised ‘Common Approaches’.</p>
<b>8. ESTABLISH NATIONAL CONSULTATION AND REPORTING MECHANISMS</b>	<p>The 2000 version of the <i>Guidelines</i> already required NCPs to put in place mechanisms for consultation and reporting at national level, including reporting to national parliaments.</p> <p>The updated <i>Guidelines</i> further strengthen the requirement for the NCP to be accountable.</p> <p>NCPs should conduct regular consultations with external stakeholders and establish mechanisms for national reporting, including to Parliament, and publish all reports, including the report to the OECD on the NCP web site in national languages, as well as international language.</p>
<b>9. IDENTIFY ISSUES FOR PEER LEARNING AND SIGN UP FOR VOLUNTARY PEER REVIEW</b>	<p>Identify <u>issues for peer learning</u> and thematic peer review through consultations at national level with external stakeholders and <u>sign up for peer review</u>.</p>
<b>10. DRAW UP PROMOTIONAL PLAN TO SUPPORT THE PRO-ACTIVE AGENDA</b>	<p>Draw up a plan for promoting the <i>Guidelines</i> and implementing the proactive agenda in collaboration with the social partners and other non-governmental organisations. The public profile of the OECD <i>Guidelines</i> is low. There is an urgent need to increase significantly the level and effectiveness of promotional activity. One means of doing so is to work collaboratively with the social partners and other non-governmental organisations, so as to harness their global networks for the purposes of promoting and implementing the <i>Guidelines</i>.</p>